

EXHIBIT A



Lesley Lawrence- Hammer
Tel 202.331.3100
Fax 202.331.3101
hammerl@gtlaw.com



June 3, 2013

VIA E-MAIL AND LNFS

Leonard Z. Kaufmann
Cohn Liffand Pearlman Herrmann & Knopf LLP
Park 80 West-Plaza One
250 Pehle Ave., Suite 401
Saddle Brook, NJ 07663

Re: *New Jersey Dep't of Env'tl. Prot., et al. v. Atlantic Richfield Co., et al.*,
No. 08-Civ-00312

Dear Lenny:

I write to you regarding David Barth's expert deposition on May 30, 2013. During that deposition, Mr. Barth identified several documents that Plaintiffs have not produced to Defendants, despite their responsiveness to document requests¹ and CMO 106's requirements for their production. These include:

- Excel file from the Site Remediation Program identifying its capital needs for site remediation activities;²
- Excel file from the Department of Treasury identifying projected revenues from CBT returns;³
- Mr. Barth's calculations made to determine that public funds are not available to meet all remediation needs in New Jersey;⁴
- The Site Remediation Program's site listing;⁵ and
- The DEP Commissioner's written remarks regarding the DEP's fiscal year 2014 budget given in April and May 2013 before the New Jersey Assembly

¹ See, e.g., Defendants' Notice of Deposition of Plaintiffs' FRCP 26(a)(2)(C) Expert David Barth. Request for Production Nos. 2-4.

² Barth Rough Dep. Tr. 60:2-63:6.

³ Id. 70:22-74:12.

⁴ Id. 74:20-76:5.

⁵ Id. 51:10-53:12; 54:10-59:8.

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Appropriations Committee and the Senate Budget and Appropriations Committee.⁶


As I stated at the deposition,⁷ Defendants object to Plaintiffs' failure to produce these documents in advance of Mr. Barth's deposition and reserve all rights to continue the deposition and/or object to Mr. Barth's expert opinion. Please produce these materials to Defendants immediately.

Additionally, Mr. Barth testified that Plaintiffs' identification of Mr. Barth's deposition preparation⁸ and reliance materials⁹ in their response to Mr. Barth's deposition notice and November 19, 2012, correspondence was not accurate. Please amend your responses to Document Request Nos. 2 and 3 in Mr. Barth's deposition notice to accurately and specifically identify the documents requested, including identifying previously produced documents by bates range or other detailed description if no bates range exists and producing any previously unproduced, responsive materials.

Defendants also request that Plaintiffs produce copies of any time sheets Mr. Barth completes that reflect his time spent working as an expert in this case.¹⁰

As always, please feel free to contact me if you have any questions.

Sincerely,



Lesley Lawrence-Hammer

cc: All counsel of record via LNFS

⁶ *Id.* 6:23-9:9

⁷ *Id.* 144:3-17.

⁸ *Id.* 15:16-20:11; 25:20-26:20.

⁹ *Id.* 94:5-97:17; 103:24-109:19.

¹⁰ *Id.* 23:16-24:22.